

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

No. 4:17-CR-5-FL-1

UNITED STATES OF AMERICA,

v.

SANJAY KUMAR,

Defendant.

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ORDER

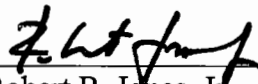
This matter came before the court February 20, 2018, for a hearing on the competency of Defendant Sanjay Kumar ("Defendant") to determine whether Defendant is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, in accordance with 18 U.S.C. §§ 4142 and 4247(d). At the hearing the government was represented by Assistant United States Attorney Scott Lemmon and Defendant, who was present in the courtroom, was represented by Deborah Newton. The court advised Defendant of his rights under 18 U.S.C. § 4247(d). The government then referred to the Forensic Evaluation Addendum ("Forensic Evaluation"), dated February 8, 2018, which was prepared by Dawn Graney, Psy. D., a Commitment and Treatment Forensic Psychologist with the Federal Correctional Institution-Butner. The Forensic Evaluation has been filed under seal and was provided to counsel and defense counsel discussed its findings with Defendant prior to the hearing.

According to the Forensic Evaluation, Defendant has been diagnosed with Obsessive-Compulsive Personality Disorder, but that despite the disorder, Defendant is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense.

Neither party disputed the findings and conclusions of the Forensic Evaluation and neither party presented any further evidence.

After consideration of the position of the parties and the Forensic Evaluation, the court does not find by a preponderance of the evidence, pursuant to 18 U.S.C. § 4141(d), that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

So ordered, the 21st day of February 2018.



Robert B. Jones, Jr.
United States Magistrate Judge